

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FCS ADVISORS, LLC,

Plaintiff,

—against—

THEIA GROUP, INC., d/b/a “THORIAN GROUP” and/or “CYPHERIAN”; THEIA AVIATION, LLC; and THEIA HOLDINGS A, INC., d/b/a “THORIAN HOLDINGS,”

Defendants.

21 Civ. 6995 (PKC)

CERTIFICATE OF NO OBJECTION REGARDING DOCS. 324 - 326

TO THE HONORABLE P. KEVIN CASTEL,
UNITED STATES DISTRICT COURT JUDGE:

I, Kurt F. Gwynne, Esquire, counsel to Michael Fuqua, as receiver (the “Receiver”) for Theia Group, Inc., Theia Aviation LLC, and Theia Holdings A, Inc. in the above-captioned matter, hereby certify the following:

1. On February 6, 2023, Reed Smith LLP filed the (i) *Notice of Expedited Motion for Entry of an Order (I) Authorizing Receiver to Enter Into First Amendment to Receiver’s Certificate Purchase and Security Agreement with FCS Advisors, LLC and (II) Granting Related Relief* (Doc. 324); (ii) *Memorandum of Law in Support of Expedited Motion for Entry of an Order (I) Authorizing Receiver to Enter Into First Amendment to Receiver’s Certificate Purchase and Security Agreement with FCS Advisors, LLC and (II) Granting Related Relief* (Doc. 325); and (iii) *Declaration of Michael Fuqua, as Receiver, in Support of Expedited Motion for Entry of an Order (I) Authorizing Receiver to Enter Into First Amendment to Receiver’s Certificate Purchase and Security Agreement with FCS Advisors, LLC and (II) Granting Related Relief* (Doc. 326) (collectively, the “Motion”), pursuant to which the Receiver requested that the

Court enter an Order (a) authorizing the Receiver to enter into that certain *First Amendment to Receiver's Certificate Purchase and Security Agreement*, and (b) granting related relief. The Motion was served by Reed Smith LLP on February 6, 2023 and February 7, 2022. *See* Doc. 327. Pursuant to paragraph 15 of the Receivership Order, Federal Rule of Civil Procedure 6(d), and Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, the deadline to file opposing affidavits and answering memoranda with respect to the Motion was February 13, 2023.

2. As of the date hereof, the undersigned has received no answer, objection, or other responsive pleading to the Motion. The undersigned has reviewed the Court's docket in this case and no answer, objection, or other responsive pleading to the Motion appears thereon.

3. Accordingly, the Receiver respectfully requests that the Court enter the Order granting the relief requested by the Motion, substantially in the form attached hereto as **Exhibit A**, at the Court's earliest convenience.

Dated: February 14, 2023
New York, New York

Respectfully submitted:

REED SMITH LLP

By: /s/ Kurt F. Gwynne

Kurt F. Gwynne
599 Lexington Avenue
New York, New York 10022
Telephone: (212) 521-5400
Facsimile: (212) 521-5450
E-mail: kgwynne@reedsmit.com

*Counsel for Michael Fuqua, in his capacity as
Receiver of Theia Group, Inc., Theia Aviation LLC,
and Theia Holdings A, Inc.*